

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WILLOW INNOVATIONS, INC.,

Plaintiff,

v.

CHIARO TECHNOLOGY LTD.

Defendant.

Civil Action No. 2:23-cv-00229-JRG

JURY TRIAL DEMANDED

P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Patent Local Rule 4-3 and the Court’s Docket Control Order (Dkt. No. 38), Plaintiff Willow Innovations, Inc. (“Willow”) and Defendant Chiaro Technology Ltd. (“Elvie”) submit the following Joint Claim Construction and Prehearing Statement to the Court, stating as follows:

I. P.R. 4-3(a)(1) The Construction of Terms on Which the Parties Agree

The parties have not reached agreement on the construction of any of the disputed terms of U.S. Patent Nos. 10,398,816 (the “’816 Patent”), 10,434,228 (the “’228 Patent”), 10,625,005 (the “’005 Patent”), 10,688,229 (the “’229 Patent”), 10,722,624 (the “’624 Patent”), 11,185,619 (the “’619 Patent”), D832,995 (the “’D995 Patent”), and D977,625 (the “’D625 Patent”) (collectively the “Asserted Willow Patents”). The parties have not reached agreement on the construction of any of the disputed terms of U.S. Patent Nos. 11,260,151 (the “’151 Patent”), 11,357,893 (the “’893 Patent”), 11,413,380 (the “’380 Patent”), and 11,730,867 (the “’867 Patent”) (collectively the “Asserted Elvie Patents”).

II. P.R. 4-3(a)(2) Proposed Constructions of Disputed Terms

Exhibit A lists the parties' proposed constructions for the terms in dispute and/or indefiniteness positions for the Asserted Willow Patents and the Asserted Elvie Patents. **Exhibit B** contains Willow's identification of intrinsic and extrinsic evidence on which it intends to rely. **Exhibit C** contains Elvie's identification of intrinsic and extrinsic evidence on which it intends to rely. All parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by the other party and any evidence obtained through claim construction discovery. Additionally, each party reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by the other party.

III. P.R. 4-3(a)(3) Time for the Claim Construction Hearing

The claim construction hearing is currently scheduled for September 19, 2024 at 9:00 a.m. The parties anticipate needing 3 hours for the claim construction hearing (90 minutes per side). The parties agree that the hearing time should be divided equally.

IV. P.R. 4-3(a)(4) Witnesses to be Called at the Claim Construction Hearing

Neither party intends to present live witness testimony at the claim construction hearing.

V. P.R. 4-3(a)(5) Prehearing Conference Prior to Claim Construction Hearing

The parties are not presently aware of any issues which might be taken up at a prehearing conference prior to the claim construction hearing.

VI. P.R. 4-3(b) Service of Expert Testimony

In accordance with Patent Rule 4-3(b), the parties will each simultaneously serve a disclosure of expert testimony consistent with Fed. R. Civ. P. 26(a)(2)(B)(i)-(ii) or 26(a)(2)(C) for any expert on which it intends to rely to support its proposed claim construction or indefiniteness positions or to oppose any other party's proposed claim construction or indefiniteness positions.

Dated: June 27, 2024

Respectfully submitted,

/s/ Timothy S. Durst

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***Counsel for Defendant
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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on June 27, 2024 counsel for Willow met and conferred with counsel for Elvie to discuss the substantive issues addressed in this Statement pursuant to Local Rule CV-7(h-i).

/s/ Timothy S. Durst

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 27, 2024.

/s/ Timothy S. Durst